

Alcoholic Beverage Control Alcoholic Beverage Control

<http://abc.ky.gov/>
502/564-4850



OCTOBER 2006

CLARIFICATION OF "20 TO SERVE" IN A RESTAURANT

The Office of Alcoholic Beverage Control continually receives questions from licensees concerning employees twenty (20) years of age or under and the sale or serving of alcoholic beverages. By statute, an employee under the age of twenty (20) years can be employed in a restaurant that derives at least 50% or more of revenues from the sale of food. However, the employee cannot be involved in the sale or service of alcohol. According to the statute, the term "sell" includes soliciting or receiving an order for an alcoholic beverage and/or delivering the alcoholic beverage. (See KRS 244.090(1)(c)3. and KRS 241.010(41).) This means that an employee under the age of 20 **cannot take a drink order, cannot serve drinks or cannot accept payment** for drinks. On the other hand, it would be permissible for the under-20 employee to serve as host/hostess in seating patrons, to serve tables where no alcohol is being consumed, as a food runner, or to bus tables.

REPORTING OF REPEATED PURCHASES OF ALCOHOL FOR THE PURPOSE OF RESALE IN DRY TERRITORY

ABC recently was asked by a retailer if they were under an obligation to report to the ABC repeat purchases of large amounts of multiple brands of beer and distilled beverages by one purchaser. This particular retailer suspected the purchases were being made for the purpose of resale in a dry territory. The answer is yes. KRS 243.240, KRS 243.280 and KRS 244.060(2) provide that a licensee cannot sell distilled spirits, wine or beer at wholesale to a person who is not a consumer. KRS 244.490 additionally provides that it is illegal for a licensee to sell malt beverages to a person engaged in transporting and selling malt beverages illegally in dry territory. If a licensee sells to a bootlegger, there is strict liability since knowledge or intent is not an element for an ABC violation. See, Gray v. Alcoholic Beverage Control Board, Ky., 485 S.W.2d 502 (1972); Duncan v. Commonwealth, 289 Ky. 231, 158 S.W.2d 396 (1942).

When the ABC arrests a bootlegger, all of their accounting records are seized and written statements are obtained. ABC quickly learns where the alcohol was routinely purchased. We then cite the retail licensee with the typical result being a fine of several thousand dollars. Please advise the ABC immediately of any suspected bootleggers.

PRIVATE TRAININGS AVAILABLE

The number of requests for private trainings continues to keep our instructors busy. For licensees with training needs for their staff of 18 or more, a private training may be the way to go. Our Education Branch will schedule your training on the date and time of your choosing. Regardless of weekday or weekend, day or night, our staff will accommodate all training requests. Please remember that these trainings are now available in English or Spanish.

"DO YOU REMEMBER WHEN?"

Do you remember the phrase "Fair Trade"? Some would call them the good old days and others might say they are glad the fair trade laws have been repealed. If you've never heard of the phrase, "Fair Trade", it refers to a state law that prohibited a licensee from selling their liquor or wine to others unless they marked up their prices in some instances as much as 33 1/3 %. Back in 1942, KRS 244.390 required a minimum resale markup from distillers to wholesalers of no less than 15%. From Vintners to wholesalers no less than 20% and from wholesalers to retailers no less than 33 and 1/3% or no less than 10% in units of one case or more. And from retail to the consumer in turn. It was not until July 15, 1998 after a long court fight these laws were repealed.

UPCOMING S.T.A.R. TRAINING DATES

Server Training In Alcohol Regulations - In addition to responsible sales and service training, we cover Kentucky-specific statutes and regulations, individual liabilities and fake IDs. Class time is four and one-half hours. **Classes start promptly at noted time.**

OCTOBER 2006

2 (9-1:30) Danville - City Hall
 3 (9-1:30) Prestonsburg - Jenny Wiley SRP
 7 (10-2) Lexington - Ramada @ Paris Pike
 9 (5P-9:30) Owensboro - Cigar Factory Mall
 10 (9-1:30) Louisville - Middletown Gov. Ctr.
 10 (5:30P-9:30) Lexington - Mayor's Trng. Ctr.
 16 (9-1:30) Lexington - Ramada @ Paris Pike
 17 (9-1:30) Paducah - City Hall
 18 (9-1:30) Ashland - Firehouse
 23 (9-1:30) Corbin - TBA
 26 (5P-0:30) Louisville - Middletown Gov. Ctr.
 29 (9-1:30) Lexington - Ramada @ Paris Pike
 30 (9-1:30) Hopkinsville - Public Works Bldg.
 31 (9-1:30) Florence - Florence Gov. Ctr.

NOVEMBER 2006

2 (9-1:30) Mayfield - City Hall
 4 (10-2:30) Lexington - Ramada @ Paris Pike
 6 (9-1:30) Louisville - Middletown Gov. Ctr.
 8 (5:30-9:30) Lexington - TBA
 13 (9-1:30) Lexington - Ramada @ Paris Pike
 13 (9-1:30) Owensboro - Cigar Factory Mall
 14 (9-1:30) Hazard - KY River ADD
 16 (9-1:30) Central City - City Hall
 28 (9-1:30) Elizabethtown - Pritchard Comm. Ctr.
 28 (9-1:30) Florence - Florence Gov. Center

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**PLEASE CONTACT 502/564-4850 AND SPEAK
 WITH SANDRA, TIFFANY OR LAURA TO
 SET UP A PRIVATE ON SITE TRAINING**

OFFICE USE	
CONFIRMATION SENT /	

COMMONWEALTH OF KENTUCKY
 OFFICE OF ALCOHOLIC BEVERAGE CONTROL
 1003 Twilight Trail, ATTN: Education
 Frankfort, Kentucky 40601-8400
 502- 564-4850 (phone) 502-564-1442 (fax)

- ☐ INDIVIDUAL
- ☐ GROUP

NAME	DATE OF BIRTH		
ADDRESS	BOARD ORDERED	YES	NO
CITY	ZIP		
PERSONAL PHONE #	BUSINESS PHONE #		
EMPLOYER			
SESSION DATE & TIME REQUESTED			
SPECIAL NEEDS? (i.e., HANDICAP ACCESS)			

INCLUDE THIS FORM ALONG WITH PAYMENT IN THE FORM OF A **CHECK OR MONEY ORDER**, IN THE AMOUNT OF **\$35 PER PERSON** PAYABLE TO: **KENTUCKY STATE TREASURER** TO THE ADDRESS AT THE TOP OF THIS REGISTRATION FORM. **NO CASH WILL BE ACCEPTED.**

CLASSES MAY BE CANCELLED PRIOR TO THE SCHEDULE DATE IF NOT FILLED
PRE-PAYMENT REQUIRED FOR ADMITTANCE/REGISTRATION FEE IS NONREFUNDABLE UNLESS CLASS IS CANCELLED